

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DIANA M. TRIMBLE, : Case No. 1:16-cv-826
Plaintiff, :
vs. : Judge Timothy S. Black
: Magistrate Judge Karen L. Litkovitz
COMMISSIONER OF SOCIAL :
SECURITY, :
Defendant. :
:

DECISION AND ENTRY

**(1) ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 18), and
(2) OVERRULING DEFENDANT'S OBJECTIONS (Doc. 19)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on May 24, 2017, submitted a Report and Recommendations. (Doc. 18). The Commissioner timely filed objections ("Objections") (Doc. 19); Plaintiff filed a response to the Objections (Doc. 20).¹

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all

¹ The Commissioner's Objections are not well-taken. The Commissioner argues Plaintiff's doctors agreed she did not have an intellectual disability (Objections at 1), but this argument was presented to, and properly rejected by, the Magistrate Judge for the reasons asserted in the Report and Recommendations (R&R at 18). The Commissioner argues the Magistrate Judge impermissibly reweighed evidence that the Administrative Law Judge found to be not credible (Objections at 2), but the Magistrate Judge properly considered the entire record in determining that the ALJ's decision was not supported by substantial evidence.

of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety, and the Commissioner's Objections are overruled.

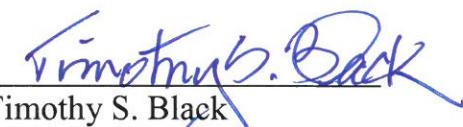
Accordingly:

1. The Report and Recommendations (Doc. 18) is **ADOPTED**;
2. The Commissioner's Objections (Doc. 19) are **OVERRULED**;
2. The Commissioner's decision is **REVERSED** and **REMANDED** for further proceedings pursuant to 42 U.S.C. § 405(g); and
3. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date:

9/15/17



Timothy S. Black
United States District Judge